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6 Attorney for CEASAR MARTINEZ

7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 THE UNITED STATES OF AMERICA,) No. 2:21-cr-00020-JAM
11 Plaintiff,)
12 v.) **STIPULATION AND ORDER**
13 NEHEMIAH AVILA, and) **TO STATUS CONFERENCE**
14 CEASAR MARTINEZ,)
15 Defendants.)
=====)
16

17 It is hereby stipulated between the parties, Adrian Kinsella, Assistant United States Attorneys,
18 Todd Leras, attorney for defendant NEHEMIAH AVILA, and Michael Long, attorney for defendant
19 CEASAR MARTINEZ, that the status conference set for November 5, 2024, at 9:00 a.m. should be
vacated and re-set for November 12, 2024, at 9:00 a.m., under the Local Code T-4 (to allow defense
counsel time to prepare).

20 The parties agree and stipulate, and request the Court find the following:

21 a. Although moving the hearing date from November 5 to November 12, 2024, was initiated on
22 the Court's own motion, this continuance is justifiable and necessary to continue to allow the
23 Defense to continue to review the voluminous discovery, conduct investigation, confer with
24 clients and discuss with the government a potential resolution. All Counsel require additional
25 time to prepare.

- 1 b. Counsel for the Defendants believes the failure to grant a continuance in this case would deny
2 defense counsel reasonable time necessary for effective preparation, taking into account the
3 exercise of due diligence.
- 4 c. The Government does not object to the continuance.
- 5 d. Based on the above-stated findings, the ends of justice served by granting the requested
6 continuance outweigh the best interests of the public and the defendants in a speedy trial within
7 the original date prescribed by the Speedy Trial Act.
- 8 e. For the purpose of computing time under the Speedy Trial Act, 18 United States Code Section
9 3161(h)(7)(A) within which trial must commence, the time period of November 5, 2024, to
10 November 12, 2024, inclusive, is deemed excludable pursuant to 18 United States Code Section
11 3161(h)(7)(A) and (B)(iv), corresponding to Local Code T-4 because it results from a
12 continuance granted by the Court at defendant's request on the basis of the Court's finding that
13 the ends of justice served by taking such action outweigh the best interest of the public and the
14 defendant in a speedy trial.
- 15

16 Nothing in this stipulation and order shall preclude a finding that other provisions of the
17 Speedy Trial Act dictate that additional time periods are excludable from the period within which
18 a trial must commence.

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20 Dated: October 17, 2024

21 Respectfully submitted,

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24 /s/ Michael D. Long
MICHAEL D. LONG
25 Attorney for Ceasar Martinez

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27 /s/ Todd Leras
TODD LERAS
28 Attorney for Nehemiah Avila

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2 Dated: October 17, 2024

PHIL TALBERT
United States Attorney

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4 */s/ Adrian Kinsella* _____
5 ADRIAN KINSELLA
6 Assistant U.S. Attorney
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8 **ORDER**

9 **GOOD CAUSE APPEARING AND HAVING BEEN SHOWN, IT IS SO ORDERED.**

10
11 The date for the status hearing in this matter is **RESET for November 12, 2024, at 9:00**
12 **a.m.**, before District Court Judge John A. Mendez.

13 Time is **EXCLUDED** through the new hearing date of November 12, 2024.

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15 Dated: October 18, 2024

/s/ John A. Mendez

16 THE HONORABLE JOHN A. MENDEZ
17 SENIOR UNITED STATES DISTRICT JUDGE
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